

1 ROBERT A. VAN NEST (SBN 84065)
rvannest@kvn.com
2 CHRISTA M. ANDERSON (SBN 184325)
canderson@kvn.com
3 KEKER & VAN NEST LLP
633 Battery Street
4 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
5 Facsimile: (415) 397-7188
6 KING & SPALDING LLP
7 DONALD F. ZIMMER, JR. - #112279
fzimmer@kslaw.com
8 CHERYL A. SABNIS - #224323
csabnis@kslaw.com
9 101 Second Street, Suite 2300
San Francisco, CA 94105
10 Telephone: (415) 318-1200
Facsimile: (415) 318-1300
11 Attorneys for Defendant
12 GOOGLE INC.

KING & SPALDING LLP
SCOTT T. WEINGAERTNER (*Pro Hac Vice*)
sweingaertner@kslaw.com
ROBERT F. PERRY
rperry@kslaw.com
BRUCE W. BABER (*Pro Hac Vice*)
bbaber@kslaw.com
1185 Avenue of the Americas
New York, NY 10036-4003
Telephone: (212) 556-2100
Facsimile: (212) 556-2222
GREENBERG TRAURIG, LLP
IAN C. BALLON - #141819
ballon@gtlaw.com
HEATHER MEEKER - #172148
meekerh@gtlaw.com
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Telephone: (650) 328-8500
Facsimile: (650) 328-8508

13
14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18
19 ORACLE AMERICA, INC.,

Plaintiff,

Case No. 3:10-cv-03561 WHA

20
21 v.
22 GOOGLE INC.,

Defendant.

[PROPOSED] ORDER GRANTING
DEFENDANT GOOGLE INC.'S MOTION
TO STRIKE PORTIONS OF THE
MITCHELL PATENT REPORT

Date: September 29, 2011
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: The Honorable William Alsup

Trial Date: October 31, 2011

On September 29, 2011 the above-captioned action came on for hearing before this Court on Defendant Google Inc.’s (“Google”) Motion to Strike Portions of the Mitchell Patent Report. After consideration of the parties’ respective submissions, the arguments of counsel, and the entire record in this matter, the Court hereby GRANTS Google’s motion and orders as follows:

(a) Paragraphs 255, 270, 271, 273, 277, 279, 282, 287, 289, 292 and 296 (relating to the ‘104 patent) are stricken from the Mitchell Patent Report. Dr. Mitchell cannot testify regarding the subject matter of these paragraphs at trial;

(b) Paragraphs 459, 460, 461, 468, 476 and 478 (relating to the '702 patent) are stricken from the Mitchell Patent Report. Dr. Mitchell cannot testify regarding the subject matter of these paragraphs at trial; and

(c) All references to LG Optimus, HTC Droid Incredible 2 and Motorola Atrix are stricken from the Mitchell Patent Report. Any assertions of patent infringement in the Mitchell Patent Report are limited to the products explicitly identified in Oracle's infringement contentions (*i.e.*, Google Dev Phones, Nexus One, Nexus S, HTC's EVO 4G, HTC's Droid Incredible, HTC's G2, Motorola's Droid, and Samsung's Captivate). Dr. Mitchell cannot testify at trial regarding alleged patent infringement by any other products.

IT IS SO ORDERED:

Dated: _____

Honorable Judge William Alsup